

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.: 2008-0023-MLM-E TCEQ ID: RN101190189 CASE NO.: 35165**  
**RESPONDENT NAME: City of Rockdale**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> WATER RIGHTS
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Rockdale Public Water Supply, located at the intersection of Mill Street and South Wilcox Street, Rockdale, Milam County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received October 12, 2007, concerning brown water in the distribution system. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 26, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> The Honorable John Shoemaker, Mayor, City of Rockdale, P.O. Box 586, Rockdale, Texas 76567-0586  Mr. T. Flemming, City Manager, City of Rockdale, P.O. Box 586, Rockdale, Texas 76567-0586  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> October 12, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> Investigation, October 11, 2007; Record Review, January 28, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 10, 2007 (NOE)</p> <p><b>Background Facts:</b> A complaint call was received after the routine investigation was conducted. A record review was also conducted.</p> <p><b>WATER</b></p> <p>1) Failed to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(D)(iii)].</p> <p>2) Failed to provide an intruder-resistant fence to protect the Allday elevated tower and the Texas Street Plant [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>3) Failed to plug and seal an abandoned public water supply well in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition [30 TEX. ADMIN. CODE § 290.46(u)].</p> <p>4) Failed to calibrate the water system's well meters once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>5) Failed to provide the 20,000 gallon storage tank at the Texas Street Plant and the below ground storage tank at the Mill Street Plant with a water level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>6) Failed to maintain a plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>7) Failed to test backflow prevention</p>	<p><b>Total Assessed:</b> \$7,022</p> <p><b>Total Deferred:</b> \$1,404  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$5,618</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Water Rights  <b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Public Water Supply  <b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On October 24, 2007, provided copies of the following water system records: bacteriological sample site plan, map, maximum day water usage, annual tank inspection forms for the ground and elevated storage tanks;</p> <p>b. On October 24, 2007, submitted photographic documentation of the fences with the repaired barbed wire sections of the Allday elevated tower and the Texas Street Plant;</p> <p>c. On October 24, 2007, provided compliance documentation demonstrating that the well meters were calibrated;</p> <p>d. On October 24, 2007, submitted photographic documentation of the water level indicators that were installed on the ground storage tanks at the Texas Street Plant and at the Mill Street plant;</p> <p>e. On October 12, 2007, submitted a copy of the plant operations manual;</p> <p>f. On October 24, 2007, submitted compliance documentation demonstrating that the backflow assemblies have been tested; and</p> <p>g. On October 24, 2007, provided a copy of the drought contingency plan.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order, ensure that the Belton well is properly plugged with cement or repaired to a non-deteriorated condition; and</p>

<p>assemblies on an annual basis by a recognized backflow assembly tester and certified to be operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p> <p>8) Failed to provide a copy of an adopted drought contingency plan [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B)].</p>		<p>b. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>
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Additional ID No(s): PWS 1660002



**Attachment A**  
**Docket Numbers: 2008-0023-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Rockdale
<b>Penalty Amount:</b>	Five Thousand Six Hundred Eighteen Dollars (\$5,618)
<b>SEP Offset Amount:</b>	Five Thousand Six Hundred Eighteen Dollars (\$5,618)
<b>Type of SEP:</b>	Cleanup of Unauthorized Dumpsite (pre-approved concept)
<b>Location of SEP:</b>	Milam County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall perform a cleanup of an unauthorized trash and tire dumpsite along approximately 1,200 feet of creek located between Highway 79 and East 3<sup>rd</sup> Street in Milam County. The Respondent shall ensure that collected wastes are properly disposed of or recycled. The Respondent shall ensure that the event:

- occurs on a weekend or after-hours
- results in proper disposal or recycling of wastes
- is performed on properties where no responsible party can be found or where the property owner is low income

SEP monies will be used for equipment including roll-off bins, trailers, over time labor of employees, and proper disposal of the wastes.

The Respondent shall perform this project in accordance with all federal, state and local laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes and tires from an illegal dump. Disposal of the tires will help rid the community of the attractive nuisance that can



harbor vermin and mosquitoes that can carry West Nile virus. The cleanup will also help prevent release of harmful chemicals into the environment should the tires catch fire.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

**2. Performance Schedule**

The Respondent shall complete the project within one year after the effective date of this Agreed Order.

**3. Reporting**

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. The Respondent shall report to TCEQ quarterly (in 90-day increments) thereafter until the project is completed.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list and total of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. A statement of quantifiable environmental benefits;
3. Quantification of the amount of wastes collected and disposed or recycled;
4. Manifests indicating proper disposal or recycling of wastes;
5. Photographs of the project; and
6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087





**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order with payment of the amount due, explaining that the payment is for a SEP reimbursement. The payment for any amount due shall be made out to the "Texas Commission on Environmental Quality" and shall be mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	17-Dec-2007
	<b>PCW</b>	2-Jan-2008
	<b>Screening</b>	2-Jan-2008
	<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Rockdale	
<b>Reg. Ent. Ref. No.</b>	RN101190189	
<b>Facility/Site Region</b>	9-Waco	<b>Major/Minor Source</b> Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	35165	<b>No. of Violations</b>	7
<b>Docket No.</b>	2008-0023-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Epifanio Villarreal
<b>Multi-Media</b>	Water Rights	<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$4,650

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **25% Enhancement** **Subtotals 2, 3, & 7** \$1,162

Notes

The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and one prior order that contains a denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$1,403

Approx. Cost of Compliance \$11,400

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

Final Subtotal \$5,812

## OTHER FACTORS AS JUSTICE MAY REQUIRE

10%

Adjustment \$600

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount \$6,412

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$6,412

## DEFERRAL

20%

Reduction

Adjustment -\$1,282

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$5,130

Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and one prior order that contains a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 25%

**Screening Date** 2-Jan-2008**Docket No.** 2008-0023-MLM-E**PCW****Respondent** City of Rockdale

Policy Revision 2 (September 2002)

**Case ID No.** 35165

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN101190189**Media [Statute]** Public Water Supply**Enf. Coordinator** Epifanio Villarreal**Violation Number** 1**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(f)(2) and 290.46(f)(3)(D)(iii)

**Violation Description**

Failed to provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: bacteriological sample site plan and map, maximum day water usage for the past 12 months, and annual tank inspection forms for all of the system's ground and elevated storage tanks.

**Base Penalty** \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

**Percent** 10%**Matrix Notes**

50% of the rule requirement was not met.

**Adjustment** \$900

\$100

## Violation Events

**Number of Violation Events** 113 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$100

One single event is recommended.

**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$0**Violation Final Penalty Total** \$138**This violation Final Assessed Penalty (adjusted for limits)** \$138

**Economic Benefit Worksheet**

Respondent City of Rockdale  
Case ID No. 35165  
Reg. Ent. Reference No. RN101190189  
Media Public Water Supply  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	11-Oct-2007	24-Oct-2007	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the amount to properly maintain water system records, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$200

TOTAL

\$0

**Screening Date** 2-Jan-2008**Docket No.** 2008-0023-MLM-E**PCW****Respondent** City of Rockdale

Policy Revision 2 (September 2002)

**Case ID No.** 35165

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN101190189**Media [Statute]** Public Water Supply**Enf. Coordinator** Epifanio Villarreal**Violation Number** 2**Rule Cite(s)**

30 Tex. Admin. Code § 290.43(e)

**Violation Description**

Failed to provide an intruder-resistant fence to protect the Allday elevated tower and the Texas Street Plant. Specifically, at the time of the investigation, it was noted that the Allday elevated tower fence had broken strands of barbed wire. In addition, it was also noted that damage was done to the barbed wire at the left corner of the plant and near the gate entrance for the Texas Street Plant.

**Base Penalty** \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

**Percent** 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

**Percent** 0%**Matrix Notes**

Failing to provide an intruder-resistant fence may allow persons to enter and vandalize the storage tanks which may compromise the system's ability to provide a safe and adequate water supply exposing customers to an insignificant amount of pollutants which would not exceed levels that are protective of human health.

**Adjustment** \$900

\$100

## Violation Events

**Number of Violation Events** 213 **Number of violation days**

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$200

Two single events are recommended (one event per fence.)

## Economic Benefit (EB) for this violation

## Statutory Limit Test

**Estimated EB Amount** \$1**Violation Final Penalty Total** \$276**This violation Final Assessed Penalty (adjusted for limits)** \$276

**Economic Benefit Worksheet**

**Respondent** City of Rockdale  
**Case ID No.** 35165  
**Reg. Ent. Reference No.** RN101190189  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$400	11-Oct-2007	24-Oct-2007	0.0	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to repair the fence for the Allday elevated tower and the Texas Street Plant, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$1



Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s)

30 Tex. Admin.Code § 290.46(u)

Violation Description

Failed to plug and seal an abandoned public water supply well in accordance with 16 Tex. Admin. Code ch. 76 or return the well to a non-deteriorated condition. Specifically, at the time of the investigation, it was noted that the system had discontinued use of the Belton well five years ago.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to ensure that the well is properly cemented and protected could cause the water supply's source water to be contaminated with a significant amount of pollutants which would exceed levels protective of human health.

Adjustment \$500

\$500

## Violation Events

Number of Violation Events 3

83 Number of violation days

mark only one  
with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Three monthly events are recommended from the date of the investigation, October 11, 2007 to the date of screening, January 2, 2008.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$742

Violation Final Penalty Total \$2,068

This violation Final Assessed Penalty (adjusted for limits) \$2,068

**Economic Benefit Worksheet**

Respondent City of Rockdale

Case ID No. 35165

Reg. Ent. Reference No. RN101190189

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	11-Oct-2007	1-Nov-2008	1.1	\$35	\$707	\$742
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to plug the abandoned Belton well or return the Belton well to a non-deteriorated condition, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$742

Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)

Violation Description

Failed to calibrate the water system's well meters once every three years. Specifically, at the time of the investigation, it was noted that the well meters for the Praesel, Airport, New Texas, and the Tracy wells had not been calibrated in the past three years.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have the well meters properly calibrated could result in inaccurate or unavailable water usage and production data, which could prevent the system from ensuring a continuous and safe water supply.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 4

13 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$400

Four single events are recommended (one event per meter).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$239

Violation Final Penalty Total \$552

This violation Final Assessed Penalty (adjusted for limits) \$552

## Economic Benefit Worksheet

Respondent City of Rockdale

Case ID No. 35165

Reg. Ent. Reference No. RN101190189

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	11-Oct-2004	11-Oct-2007	3.9	\$39	\$200	\$239

Notes for AVOIDED costs

The avoided cost includes the amount to properly calibrate the Praesel, Alport, New Texas, and the Tracy well meters, calculated for the three years prior to the investigation date.

Approx. Cost of Compliance

\$200

TOTAL

\$239

Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(4)

Violation Description

Failed to provide the 20,000 gallon storage tank at the Texas Street Plant and the below ground storage tank at the Mill Street Plant with a water level indicator.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to provide the storage tanks with a water level indicator prevents the water system from operating efficiently and could expose customers to an inadequate supply of water.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 2

13 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$276

This violation Final Assessed Penalty (adjusted for limits) \$276

**Economic Benefit Worksheet**

Respondent: City of Rockdale

Case ID No. 35165

Reg. Ent. Reference No. RN101190189

Media Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment	\$100	11-Oct-2007	24-Oct-2007	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to equip the 20,000 gallon ground storage tank at the Texas Street Plant and the below ground storage tank at the Mill Street Plant with a water level indicator, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to maintain a plant operations manual for operator review and reference.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$345

This violation Final Assessed Penalty (adjusted for limits) \$345

**Economic Benefit Worksheet**

Respondent City of Rockdale

Case ID No. 35165

Reg. Ent. Reference No. RN101190189

Media Public Water Supply

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	11-Oct-2007	12-Oct-2007	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount required to compile and maintain a plant operations manual, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0



Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to test backflow prevention assemblies on an annual basis by a recognized backflow assembly tester and certified to be operating within specifications. Specifically, at the time of the investigation, it was noted that the backflow prevention assemblies at the City of Rockdale's wastewater plant, dental clinics located at 302 Meadow Drive and 307 Childress Drive, and the carwash located at 338 East Cameron Street had not been tested in the past 12 months.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to test backflow prevention assemblies could expose the water system to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$500

\$500

## Violation Events

4

365 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,000

Four annual events are recommended (one event per site).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$420

Violation Final Penalty Total \$2,758

This violation Final Assessed Penalty (adjusted for limits) \$2,758

**Economic Benefit Worksheet**

**Respondent** City of Rockdale  
**Case ID No.** 35165  
**Reg. Ent. Reference No.** RN101190189  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$400	11-Oct-2006	11-Oct-2007	1.0	\$20	\$400	\$420
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to test the backflow prevention assemblies, calculated for the 12 month period proceeding the date of the investigation.

Approx. Cost of Compliance **\$400****TOTAL** **\$420**



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned

17-Dec-2007

PCW

2-Jan-2008

Screening

2-Jan-2008

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent City of Rockdale

Reg. Ent. Ref. No. RN101190189

Facility/Site Region 9-Waco

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 35165

Docket No. 2008-0023-MLM-E

Media Program(s) Water Rights

Multi-Media Public Water Supply

Admin. Penalty \$ Limit Minimum \$0 Maximum \$5,000

No. of Violations 1

Order Type 1660

Enf. Coordinator Epifanio Villarreal

EC's Team Enforcement Team 2

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

22% Enhancement

Subtotals 2, 3, &amp; 7 \$110

Notes

The penalty enhancement is due to one prior dissimilar Notice of Violation and one prior order that contains a denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

Total EB Amounts \$1

Approx. Cost of Compliance \$300

\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

Final Subtotal \$610

### OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$610

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$610

### DEFERRAL

20%

Reduction

Adjustment -\$122

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

### PAYABLE PENALTY

\$488

Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

PCW

Respondent City of Rockdale

Policy Revision 2 (September 2002)

Case ID No. 35165

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101190189

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to one prior dissimilar Notice of Violation and one prior order that contains a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 22%

<b>Screening Date</b> 2-Jan-2008		<b>Docket No.</b> 2008-0023-MLM-E		<b>PCW</b>		
<b>Respondent</b> City of Rockdale		<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 35165		<i>PCW Revision November 6, 2007</i>				
<b>Reg. Ent. Reference No.</b> RN101190189						
<b>Media [Statute]</b> Water Rights						
<b>Enf. Coordinator</b> Epifanio Villarreal						
<b>Violation Number</b>		<input type="text" value="1"/>				
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B)"/>				
<b>Violation Description</b>		<input type="text" value="Failed to provide a copy of an adopted drought contingency plan."/>				
<b>Base Penalty</b>					<input type="text" value="\$5,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Harm</b>					
	<b>Release</b>	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>						
	<b>Falsification</b>	Major	Moderate	Minor		
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>					
<b>Adjustment</b>					<input type="text" value="\$4,500"/>	
					<input type="text" value="\$500"/>	
<b>Violation Events</b>						
<b>Number of Violation Events</b>		<input type="text" value="1"/>		<input type="text" value="13"/> <b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="text"/>		<b>Violation Base Penalty</b> <input type="text" value="\$500"/>		
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
single event	<input type="text" value="x"/>					
<input type="text" value="One single event is recommended."/>						
<b>Economic Benefit (EB) for this violation</b>				<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$1"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$610"/>		
				<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$610"/>		

**Economic Benefit Worksheet****Respondent** City of Rockdale**Case ID No.** 35165**Reg. Ent. Reference No.** RN101190189**Media** Water Rights**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	11-Oct-2007	24-Oct-2007	0.0	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$300

**TOTAL**

\$1

# Compliance History

Customer/Respondent/Owner-Operator:	CN600636534	City of Rockdale	Classification: AVERAGE	Rating: 2.87
Regulated Entity:	RN101190189	CITY OF ROCKDALE	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1660002	
	WATER LICENSING	LICENSE	1660002	
Location:	INTERSECTION OF MILL STREET AND SOUTH WILCOX STREET, ROCKDALE, MILAM COUNTY			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	January 02, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 02, 2003 to January 02, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Epi Villarreal	Phone:	(210) 403-4033	

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date:	07/14/2006	ADMINORDER 2006-0032-MLM-E
Classification:	Minor	
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)	
Description:	Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.	

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |   |            |          |
|---|------------|----------|
| 1 | 07/26/2005 | (397395) |
| 2 | 10/27/2005 | (431496) |
| 3 | 12/19/2005 | (449787) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	07/29/2005	(397395)
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)	
Description:	Failure to provide a bottle of fresh ammonia for chlorine leak detection in the disinfection room.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)	
Description:	Failure to provide facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)	
Description:	Failure to provide adequate ventilation in the disinfection rooms of the Texas and Mill St. Plants.	

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(j)		
Description:	Failure to use an approved version of the Customer Service Inspection Report.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)		
Description:	Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
Description:	Failure to provide water system records that needed to be reviewed at the time of the investigation.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)		
Description:	Failure to insure that pastured livestock are prohibited from within 50 ft of a public drinking supply well.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to provide adequate metering to all water pumped from the wells.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder-resistant fence in order to protect the Mill St. elevated storage tank, and the ground storage and pressure maintenance facilities at the Mill St. and Texas St. Plants.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)		
Description:	Failure to post a legible ownership sign at the Texas St. elevated tank site.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the system facilities to insure the good working condition and general appearance of the system's facilities and equipment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to keep a plant operations manual.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)		
Description:	Failure to provide a proper ground storage tank roof to prevent the possibility of ponding.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
Description:	Failure to provide a lockable roof hatch.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to properly seal the overflow pipe of the ground storage tanks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to equip the Mill St. ground storage tank and the Texas St. elevated tank with a proper liquid level indicator.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
Description:	Failure to provide the roof hatch with a gasket to form a positive seal, in order to prevent insects and other possible contaminants from entering the water supply.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to provide a properly screened roof vent on the large Texas St. ground storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(1)(D)		
Description:	Failure to provide proper chemical storage.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure to maintain distribution system lines, water storage and pressure maintenance facilities, and related appurtenances in a watertight condition and be free of excessive solids.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)		
Description:	Failure to provide a well casing eighteen inches above the ground surface.		
Self Report?	NO	Classification:	Minor



Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.  
Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF ROCKDALE  
RN101190189**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0023-MLM-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Rockdale ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply located at the intersection of Mill Street and South Wilcox Street in Rockdale, Milam County, Texas (the "Facility") that has approximately 2,212 service connections and serves at least 25 people per day for at least 60 days per year.
2. The City's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(46).
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 15, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Seven Thousand Twenty-Two Dollars (\$7,022) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Five Thousand Six Hundred Eighteen Dollars (\$5,618) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") and One Thousand Four Hundred Four Dollars (\$1,404) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. On October 24, 2007, provided copies of the following water system records: bacteriological sample site plan, map, maximum day water usage, annual tank inspection forms for the ground and elevated storage tanks;
  - b. On October 24, 2007, submitted photographic documentation of the fences with the repaired barbed wire sections of the Allday elevated tower and the Texas Street Plant;
  - c. On October 24, 2007, provided compliance documentation demonstrating that the well meters were calibrated;
  - d. On October 24, 2007, submitted photographic documentation of the water level indicators that were installed on the ground storage tanks at the Texas Street Plant and at the Mill Street plant;
  - e. On October 12, 2007, submitted a copy of the plant operations manual;
  - f. On October 24, 2007, submitted compliance documentation demonstrating that the backflow assemblies have been tested; and
  - g. On October 24, 2007, provided a copy of the drought contingency plan.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.



12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the City is alleged to have:

1. Failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(D)(iii), as documented during an investigation conducted on October 11, 2007.
2. Failed to provide an intruder-resistant fence to protect the Allday elevated tower and the Texas Street Plant, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on October 11, 2007.
3. Failed to plug and seal an abandoned public water supply well in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on October 11, 2007.
4. Failed to calibrate the water system's well meters once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on October 11, 2007.
5. Failed to provide the 20,000 gallon storage tank at the Texas Street Plant and the below ground storage tank at the Mill Street Plant with a water level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on October 11, 2007.
6. Failed to maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on October 11, 2007.
7. Failed to test backflow prevention assemblies on an annual basis by a recognized backflow assembly tester and certified to be operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on October 11, 2007.
8. Failed to provide a copy of an adopted drought contingency plan, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B), as documented during a record review conducted on January 28, 2008.

## **III. DENIALS**

The City generally denies each allegation in Section II ("Allegations").





#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rockdale, Docket No. 2008-0023-MLM-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Five Thousand Six Hundred Eighteen Dollars (\$5,618) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Agreed Order, ensure that the Belton well is properly plugged with cement according to 16 TEX. ADMIN. CODE ch. 76 or repaired to a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:



Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826


4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

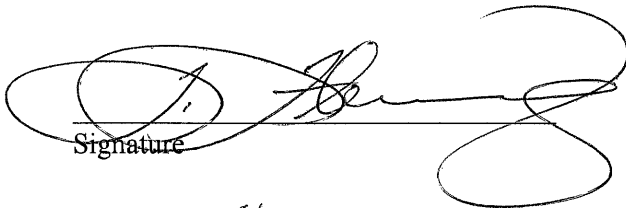
5/21/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions; if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

12 March '08  
Date

T. Flemming  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Rockdale

City Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Numbers: 2008-0023-MLM-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Rockdale
<b>Penalty Amount:</b>	Five Thousand Six Hundred Eighteen Dollars (\$5,618)
<b>SEP Offset Amount:</b>	Five Thousand Six Hundred Eighteen Dollars (\$5,618)
<b>Type of SEP:</b>	Cleanup of Unauthorized Dumpsite (pre-approved concept)
<b>Location of SEP:</b>	Milam County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall perform a cleanup of an unauthorized trash and tire dumpsite along approximately 1,200 feet of creek located between Highway 79 and East 3<sup>rd</sup> Street in Milam County. The Respondent shall ensure that collected wastes are properly disposed of or recycled. The Respondent shall ensure that the event:

- occurs on a weekend or after-hours
- results in proper disposal or recycling of wastes
- is performed on properties where no responsible party can be found or where the property owner is low income

SEP monies will be used for equipment including roll-off bins, trailers, over time labor of employees, and proper disposal of the wastes.

The Respondent shall perform this project in accordance with all federal, state and local laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes and tires from an illegal dump. Disposal of the tires will help rid the community of the attractive nuisance that can





harbor vermin and mosquitoes that can carry West Nile virus. The cleanup will also help prevent release of harmful chemicals into the environment should the tires catch fire.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

**2. Performance Schedule**

The Respondent shall complete the project within one year after the effective date of this Agreed Order.

**3. Reporting**

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. The Respondent shall report to TCEQ quarterly (in 90-day increments) thereafter until the project is completed.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list and total of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. A statement of quantifiable environmental benefits;
3. Quantification of the amount of wastes collected and disposed or recycled;
4. Manifests indicating proper disposal or recycling of wastes;
5. Photographs of the project; and
6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order with payment of the amount due, explaining that the payment is for a SEP reimbursement. The payment for any amount due shall be made out to the "Texas Commission on Environmental Quality" and shall be mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

